Town of Weaverville
Planning Board
Regular Monthly Meeting
Thursday, July 6, 2023, 6:00pm

Agenda

1. Call to Order – Chair Bob Pace
2. Approval of the Agenda
3. Approval of the Minutes
   - June 6, 2023 regular meeting of the Board
4. Discussion Related to the Potential Implementation of a Conservation Design Concept
5. Short Term Rentals
   - Review of Next Steps Provided in the Presentation by the Land of Sky Regional Council
6. Any Other Business
   - Update on Various Development Projects
7. Adjournment
Date of Meeting: Thursday, July 6, 2023
Subject: Minutes
Presenter: Planning Director
Attachments: Minutes from the June 6, 2023 Meeting of the Board

Description:
Attached you will find proposed minutes from the June 6, 2023 meeting of the Board.

Action Requested:
Staff is requesting that the Planning Board adopt the aforementioned minutes as presented or amended by motion of the Board.
The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00 pm on Tuesday, June 6, 2023, within Council Chambers at Town Hall.


1. Call to Order
Mr. Pace called to order at 6:00 pm.

2. Approval of the Agenda
Noting no objections, Mr. Pace declared the agenda approved by consent.

3. Approval of the Minutes
Mr. Endries motioned to approve the minutes of the May 2, 2023, meeting as presented and all voted unanimously in favor of the motion.

4. Short Term Rentals
Mary Roderick and Kayla DiCristina were present at tonight’s meeting as representatives of the Land of Sky Regional Council. DiCristina is a regional planner and provided information to the Board concerning regulations and strategies for short term rentals (see attached PowerPoint slides).

Mr. Eller will distribute the PowerPoint presentation with the notes and the Planning Board will consider next steps at the next Board meeting.

5. Any Other Business
Mr. Eller noted that the next meeting of the Board will be on Thursday, July 6th, due to the Fourth of July holiday falling on the normal meeting day. It was also noted that there is now a vacancy on the Planning Board due to Maggie Schroder’s recent resignation. Planning Board members were encouraged to let staff know if they are aware of possible applicants or send those applications to staff.

6. Adjournment.
Mr. Pace declared the meeting adjourned at approximately 6:53 pm.

_____________________________
Bob Pace, Chair
Planning and Zoning Board

ATTEST:

________________________________
James W. Eller
Planning Director / Town Clerk
Short-Term Rentals

Regulations & Strategies

June 6, 2023
Land of Sky Regional Council
Kayla DiCristina, AICP
Short-Term Rentals In General

- The number of short-term rentals (STRs) is increasing in Western North Carolina (WNC) and across the entire state.
- Nationally, municipalities are working to regulate STRs.
  - Several municipalities in WNC have enacted land use regulations on STRs including...
    - Asheville
    - Woodfin
    - Blowing Rock
Defining "Short-Term Rental"

- STRs do not have a singular definition, but these uses are generally…

  "Residential dwellings rented or leased to guests staying for a duration less than a set number of days."

- The NC Vacation Rental Act, which includes STRs, defines “vacation rental” as…

  "The rental of residential property for vacation, leisure, or recreation purposes for fewer than 90 days by a person who has a place of permanent residence to which he or she intends to return."
General Drivers To Regulate STRs

- Improve safety of renters.
- Enable generation of transient occupancy tax revenue.
- Ensure that permanent residents have affordable housing options.
- Preservation of neighborhood character.
- Reduce competition between STRs and hotels/bed and breakfasts. Hotels/bed and breakfasts are required to pay local taxes and are subject to inspection for compliance with local health and safety codes while STRs may not be.
Land Use Regulations & Short-Term Rentals
Municipalities have the authority to control the location and use of property through zoning regulations.

Zoning ordinances have a strong presumption of validity if they serve a public purpose related to the “public health, safety, morals, or general welfare” of the communities they regulate.
Considerations In Land Use Regulations for STRs

- Do the regulations exceed regulating a property’s use and seek to regulate property ownership?

- Do the regulations seek to implement a permitting program that acts as a registration program?

- Is there a link between advancing public purpose and establishing the regulations? Can evidence supporting that link be provided?
"Do"

1. Define STR as a use in the Table of Permitted Uses.
2. Allow/disallow based on Zoning District.
3. Require development approvals.
4. Impose development and operational standards.

"Don't"

1. Define STRs based on ownership.
2. Require registration or enforce any development regulation that is tied to registration or acts as a registration program.
3. Set standards beyond the rational nexus of public interest and private property use.
# Strategies & Recommendations

1. Effectively House STR Regulations
2. Clearly Define "STR"
3. Determine Permitting Requirements
4. Define Development and Operational Regulations
5. Consider Practical Enforcement Methods
6. Address Non-Conformities
#1 Effectively House STR Regulations

STR regulations can be located in a free-standing ordinance or within an existing Zoning Ordinance or Unified Development Ordinance (UDO).

Examples:
- Asheville – Under existing UDO
- Woodfin – Under existing Zoning Ordinance
- Raleigh – Under existing UDO
- Blowing Rock – Under existing UDO
#2 Clearly Define "STR"

Define STR as a use that is distinct from single-family, two-family (etc.), housing and not based on ownership.

Ask....

<p>| What is included? | What is excluded? | How is this determined by staff? | Are all terms in the definition defined? |</p>
<table>
<thead>
<tr>
<th>ASHEVILLE</th>
<th>RALEIGH</th>
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</thead>
<tbody>
<tr>
<td><strong>Short-Term Vacation Rental</strong> - A dwelling unit with up to six guest rooms that is used and/or advertised through an online platform, or other media, for transient occupancy for a period of less than one month. A short-term vacation rental is considered a &quot;Lodging&quot; use under the UDO.</td>
<td><strong>Short-Term Rental</strong> - A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.</td>
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<thead>
<tr>
<th>WOODFIN</th>
<th>BLOWING ROCK</th>
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<tbody>
<tr>
<td><strong>Short-Term Rental</strong> - A lodging use that occurs within a single dwelling unit containing a maximum of three bedrooms that is rented to transients for compensation for a period of less than one month.</td>
<td><strong>Short-Term Rental</strong> – The rental, lease, or offer to make available, any attached or detached residential dwelling unit, or portion thereof, by way of a rental agreement, lease, license, or any other means (whether oral or written) for compensation or consideration for a duration that is less than 28 consecutive days.</td>
</tr>
<tr>
<td>ASHEVILLE</td>
<td>RALEIGH</td>
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<td>-----------------------------------------------</td>
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</tr>
<tr>
<td><strong>Homestay</strong> - A lodging use that occurs within a private, resident-occupied dwelling unit, and where up to 2 guest rooms are provided to transients for compensation for periods less than 30 days and where the use is subordinate and incidental to the main residential use of the building. A homestay may or may not have a separate kitchen, bathroom and/or entrance. A homestay is considered a &quot;Lodging&quot; use under the UDO.</td>
<td>Does not define Homestay separately from STR.</td>
</tr>
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<tr>
<th>WOODFIN</th>
<th>BLOWING ROCK</th>
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<tr>
<td><strong>Homestay</strong> - A lodging use that occurs within a resident-occupied single-family dwelling wherein space in the home is rented to transients for compensation for a period of less than one month, and where the use is incidental and subordinate to the primary residential use of the property. A homestay may or may not have a separate kitchen, bathroom and/or entrance.</td>
<td>Does not define Homestay separately from STR.</td>
</tr>
</tbody>
</table>
#3 Determine Permitting Requirements

Development approvals can be required if an STR is a defined use.

Ask....

| What Zoning District allows STRs by right? With a Special Use Permit? | Does the permit need to be renewed? When? | What does the permit cost? What if permit costs change? | Be aware of “permitting” vs. “registration” distinction. |

Examples:
- Raleigh, Asheville, Woodfin & Blowing Rock – Require initial permit only. No renewal or re-inspection required.
<table>
<thead>
<tr>
<th>LOCATION</th>
<th>DEFINITION</th>
<th>ALLOWED BY RIGHT</th>
<th>REQUIRES SPECIAL USE PERMIT</th>
<th>PROHIBITED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asheville</td>
<td>Homestay</td>
<td>Central business, commercial, and residential expansion Zoning Districts (conditional districts with flexible development options)</td>
<td>Airport and industrial Zoning Districts and manufactured housing Overlay Districts</td>
<td>All other Zoning Districts</td>
</tr>
<tr>
<td></td>
<td>STR</td>
<td>Resort Zoning District</td>
<td>N/A</td>
<td>All other Zoning Districts (unless issued before January 2018 in the Central business and commercial expansion Zoning Districts)</td>
</tr>
<tr>
<td>Raleigh</td>
<td>STR</td>
<td>All residential and most mixed-use Zoning Districts with limited use</td>
<td>N/A</td>
<td>All other Zoning Districts</td>
</tr>
<tr>
<td>Woodfin</td>
<td>Homestay</td>
<td>All residential and Mountain Village Zoning Districts with limited use</td>
<td>N/A</td>
<td>All other Zoning Districts</td>
</tr>
<tr>
<td></td>
<td>STR</td>
<td>Commercial and light industrial Zoning Districts with limited use</td>
<td>N/A</td>
<td>All other Zoning Districts</td>
</tr>
<tr>
<td>Blowing Rock</td>
<td>STR</td>
<td>Commercial and business Zoning Districts</td>
<td>N/A</td>
<td>All other Zoning Districts</td>
</tr>
</tbody>
</table>
#4 Define Development and Operational Regulations

**Development Regulations**

Land use standards applied to specific uses. Including…

- Parking spaces
- Lighting
- Signage

**Operational Regulations**

Restrictions or limits on operation of specific uses. Including…

- Solid waste management
- Limits on large events
- Insurance requirements
#5 Consider Practical Enforcement Methods

Determine sufficient and practical enforcement methods for STRs.

**Ask....**

<table>
<thead>
<tr>
<th>Is the current enforcement process on a reporting basis only or is there active code enforcement?</th>
<th>What is the strategy, expectation, and staff time needed?</th>
<th>Is there sufficient staff?</th>
<th>Are there different penalties or processes needed for STRs?</th>
</tr>
</thead>
</table>

**Examples:**

- Asheville, Woodfin, & Blowing Rock – Specific financial penalties for STR violations and utilize standard enforcement procedures.
- Raleigh – Specific permit revocation process for STRs, in addition to standard enforcement procedures.
#6 Address Non-Conformities

Establish a process to address non-conformities resulting from new STR regulations.

Ask....

<table>
<thead>
<tr>
<th>Are the existing non-conformity processes sufficient to address this use?</th>
<th>To what extent is it feasible to require non-conformities to conform to new regulations?</th>
<th>Is there a time period within which structures must conform?</th>
</tr>
</thead>
</table>

**Examples:**
- Asheville, Raleigh, & Woodfin – Must apply for zoning permit for all existing STRs.
- Blowing Rock – Must apply for zoning permit if the use changes to or from an STR. No initial permit required for existing STR.
Summary

- The number of short-term rentals (STRs) is increasing in Western North Carolina (WNC) and across the entire state.
- Local municipalities are regulating STRs (Woodfin, Asheville, and Blowing Rock).
- Regulation is possible with specific considerations including...

- Finding the nexus between the need for regulation and the rights of private property owners.
- Paying special consideration to ensure regulations are not related to "ownership".
- Being aware of the "permit" vs. "registration" conundrum.
Next Steps

1. Consider **forming a work group** to understand the current STR environment & impact in Weaverville objectively.

2. Consider **conducting public engagement** through community meetings, a survey, or focus groups to gather feedback on STR impacts in the community, both positive and negative.

3. Consider **developing STR regulations**, utilizing the questions asked in this presentation, that are contextual to Weaverville.

4. Consider **implementing and evaluating** the impact of these regulations.
Short-Term Rentals

Regulations & Strategies

Land of Sky Regional Council
Kayla DiCristina, AICP
kayla@landofsky.org
TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Thursday, July 6, 2023
Subject: Conservation Design Concept
Presenter: Planning Director and Town Attorney
Attachments: None

Description:
Following up on the conversation last held in May related to a proposed conservation design concept, staff is seeking additional consensus on the topics found below:

Applicability

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
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<tbody>
<tr>
<td>Single Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Minimum lots or acreage requirement for conservation design: 10+ lots or acres?
Required conservation design for single family subdivisions of 20+ acres?

Conservation Design Standards
Minimum conservation area: 20-50%?
Areas and features to be preserved or to count toward conservation threshold:
Riparian areas; mature wooded areas; wildlife habitat and corridors; historic resources; groundwater recharge areas; land with active agricultural uses; scenic resources including viewsheds; large rock outcroppings. Any other additions or subtractions?
Permitted uses within conservation areas:
Agricultural uses; trails, walkways, greenways; trailhead, pervious trailhead parking, map kiosks and related items; streets that provide access to developed areas. Any other additions or subtractions?
Incentives:
Naturally occurring incentives for clustering development include reduced infrastructure improvements such as roads and utility lines.
Lot area, lot width, and setback reduction of 20-50%?
Additional height, units per building or density for multifamily projects?
Density bonuses of 20-50%? For the zoning district in which the property is located.

**Action Requested:**

Staff is requesting a conversation with the Board related to the particulars of a potential conservation design concept so language can continue to be drafted to mirror the desired features of the ordinance.
Date of Meeting: Thursday, July 6, 2023
Subject: Short-Term Rentals
Presenter: Planning Director and Town Attorney
Attachments: Next Step Recommendations

Description:
Concentrating and proposed next steps 1&2 provided in the presentation by the Land of Sky Regional Council, these two points can be addressed to progress the conversation.

Action Requested:
Any direction on the next steps of potentially regulating short-term rentals.
Next Steps

1. Consider **forming a work group** to understand the current STR environment & impact in Weaverville objectively.

2. Consider **conducting public engagement** through community meetings, a survey, or focus groups to gather feedback on STR impacts in the community, both positive and negative.

3. Consider **developing STR regulations**, utilizing the questions asked in this presentation, that are contextual to Weaverville.

4. Consider **implementing and evaluating** the impact of these regulations.
Date of Meeting: Thursday, July 6, 2023
Subject: Other Business
Presenter: Planning Director
Attachments: None
Description: Update on Various Development Projects

Over the previous month, staff has fielded two significant development submittals. These include:

1. Ollie Weaver Apartment project. Achieving annexation and R-3 zoning in June 2022 the TRC has now conducted three rounds of review for the project and continues to work with the developer’s civil engineers toward permit issuance.
2. 20 and 30 Garrison Branch conditional district. Achieving a conditional district approval in May 2020 for three commercial buildings totaling approximately 70,000 square feet, the TRC has conducted it’s first review of the proposed project and provided comment to the developer’s civil engineers.

Two more large projects are on the immediate horizon. These include:

1. 480 Reems Creek Road townhome project. Achieving annexation and R-3 zoning in January 2023, plan submittal is anticipated in the summer months.
2. 171 Monticello Road apartment project. Achieving annexation and conditional zoning in February 2023, plan submittal is anticipated in the summer months.

Action Requested:

None